

**Introduced by Senator Morrell
(Coauthor: Senator Wolk)**

February 25, 2015

An act to amend Section 14134.5 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 407, as introduced, Morrell. Comprehensive Perinatal Services Program: licensed midwives.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services, including comprehensive perinatal services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law, to the extent that federal financial participation is available, requires that midwifery services provided by a licensed midwife be covered under the Medi-Cal program. Existing law establishes the Comprehensive Perinatal Services Program, administered by the State Department of Public Health, to maintain, to the extent resources are available, a permanent statewide community-based comprehensive perinatal system to provide care and services to low-income pregnant women and their infants who are considered underserved in terms of comprehensive perinatal care. Existing law generally authorizes a health care provider to employ or contract specified practitioners, including physicians and certified nurse midwives, for the purpose of providing comprehensive perinatal services.

This bill would additionally authorize a health care provider to employ or contract licensed midwives for the purpose of providing comprehensive perinatal services. The bill would expand the definition

of “comprehensive perinatal provider” as used in these provisions to include a licensed midwife. The bill would require the State Department of Health Care Services to commence, no later than March 1, 2016, the revision of existing regulations as it determines are necessary for the implementation of this bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14134.5 of the Welfare and Institutions
2 Code is amended to read:
3 14134.5. All of the following provisions apply to the provision
4 of services pursuant to subdivision (u) of Section 14132:
5 (a) “Comprehensive perinatal provider” means any general
6 practice physician, family practice physician,
7 obstetrician-gynecologist, pediatrician, certified nurse midwife,
8 *licensed midwife*, a group, any of whose members is one of the
9 above-named ~~physicians~~ *providers*, or any preferred provider
10 organization or clinic enrolled in the Medi-Cal program and
11 certified pursuant to the standards of this section.
12 (b) “Perinatal” means the period from the establishment of
13 pregnancy to one month following delivery.
14 (c) “Comprehensive perinatal services” shall include, but not
15 be limited to, the provision of the combination of services
16 developed through the *former* Department of Health Services
17 Obstetrical Access Pilot ~~Program~~. *Program provided or*
18 *coordinated by a comprehensive perinatal provider.*
19 (d) The comprehensive perinatal provider shall schedule visits
20 with appropriate providers and shall track the patient to verify
21 whether services have been received. As part of the reimbursement
22 for coordinating these services, the comprehensive perinatal
23 provider shall ensure the provision of the following services either
24 through the provider’s own service or through subcontracts or
25 referrals to other providers:
26 (1) A psychosocial assessment and when appropriate referrals
27 to counseling.
28 (2) Nutrition assessments and when appropriate referral to
29 counseling on food supplement programs, vitamins and
30 breast-feeding.

1 (3) Health, childbirth, and parenting education.

2 (e) Except where existing law prohibits the employment of
3 physicians, a health care provider may employ or contract with all
4 of the following medical and other practitioners for the purpose
5 of providing the comprehensive services delineated in this section:

6 (1) Physicians, including a general practitioner, a family practice
7 physician, a pediatrician, or an obstetrician-gynecologist.

8 (2) Certified nurse midwives.

9 (3) *Licensed midwives.*

10 ~~(3)~~

11 (4) Nurses.

12 ~~(4)~~

13 (5) Nurse practitioners.

14 ~~(5)~~

15 (6) Physician assistants.

16 ~~(6)~~

17 (7) Social workers.

18 ~~(7)~~

19 (8) Health and childbirth educators.

20 ~~(8)~~

21 (9) Registered dietitians.

22 The department shall adopt regulations ~~which~~ *that* define the
23 qualifications of any of these practitioners who are not currently
24 included under the regulations adopted pursuant to this chapter.
25 Providers shall, as feasible, utilize staffing patterns ~~which~~ *that*
26 reflect the linguistic and cultural features of the populations they
27 serve.

28 (f) The California Medical Assistance Program and the Maternal
29 and Child Health Branch of the State Department of *Public* Health
30 ~~Services~~ in consultation with the California Conference of Local
31 Health Officers shall establish standards for health care providers
32 and for services rendered pursuant to this subdivision.

33 (g) The department shall assist local health departments to
34 establish a community perinatal program whose responsibilities
35 may include certifying and monitoring providers of comprehensive
36 perinatal services. The department shall provide the local health
37 departments with technical assistance for the purpose of
38 implementing the community perinatal program. The department
39 shall, to the extent feasible, and to the extent funding for
40 administrative costs is available, utilize local health departments

1 in the administration of the perinatal program. If these funds are
2 not available, the department shall use alternative means to
3 implement the community perinatal program.

4 (h) It is the intent of the Legislature that the department shall
5 establish a method for reimbursement of comprehensive perinatal
6 providers ~~which~~ *that* shall include a fee for coordinating services
7 and ~~which~~ shall be sufficient to cover reasonable costs for the
8 provision of comprehensive perinatal services. The department
9 may utilize fees for service, capitated fees, or global fees to
10 reimburse providers. However, if capitated or global fees are
11 established, the department shall set minimum standards for the
12 provision of services including, but not limited to, the number of
13 prenatal visits and the amount and type of psychosocial, nutritional,
14 and educational services patients shall receive.

15 Notwithstanding the type of reimbursement system, the
16 comprehensive perinatal provider shall not be financially at risk
17 for the provision of inpatient services. The provision of inpatient
18 services ~~which~~ *that* are not related to perinatal care shall not be
19 subject to the provisions of this section. Inpatient services related
20 to services pursuant to this subdivision shall be reimbursed, in
21 accordance with Section 14081, 14086, 14087, or 14087.2,
22 whichever is applicable.

23 (i) The department shall develop systems for monitoring and
24 oversight of the comprehensive perinatal services provided in this
25 section. The monitoring shall include, but shall not be limited to,
26 collection of information using the perinatal data form.

27 (j) Participation for services provided pursuant to this section
28 shall be voluntary. The department shall adopt patient rights
29 safeguards for recipients of the comprehensive perinatal services.

30 SEC. 2. The State Department of Health Care Services shall
31 commence, no later than March 1, 2016, the revision of existing
32 regulations as it determines are necessary for the implementation
33 of the amendments made to Section 14134.5 of the Welfare and
34 Institutions Code by this act, in accordance with the Administrative
35 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
36 Part 1 of Division 3 of Title 2 of the Government Code).